



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

December 11, 2012

1212-VS-14

Exhibit 1

Petition Number: 1212-VS-14

Subject Site Address: 16909 Joliet Road

Petitioner: LeeAnn Chambers

Request: The petitioner is requesting Variances of Standard from the Westfield-Washington Zoning Ordinance for the property commonly known as 16909 Joliet Road, Westfield, Indiana 46074. The request is to allow the minimum side yard setback for a stable structure to be 101 feet (north property line) and 182 feet (south property line) from 200 feet (WC § 16.04.030.B.1).

Current Zoning: AG-SF1

Current Land Use: Residential

Approximate Acreage: 5 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Site Plan
4. Elevation Plan
5. Construction Plans
6. Application

Staff Reviewer: Andrew Murray, Associate Planner

Petition History

This petition will receive a public hearing at the December 11, 2012 Board of Zoning Appeals meeting.

Analysis

The subject property is approximately 5 acres in size and is located on Joliet Road (the "Property"). The Property is zoned Agriculture – Single Family 1 District ("AG-SF1"). The Property is improved with a single-family dwelling and two associated accessory structures, one of which is proposed to be removed with the construction of the stable. Adjacent property in all directions is zoned AG-SF1 and improved with large-lot single-family residential uses, agricultural uses and other equestrian uses.



The petitioner is requesting variances of standard to allow the reduction in minimum side yard setback for a stable structure to be located on the Property. The stable structure, as proposed, would be located 101 feet from the north property line and 182 feet from the south property line. The Westfield-Washington Township Zoning Ordinance requires stable structures to be setback a minimum of 200 feet from all adjoining property lines. The submitted application includes a plan to construct a 48' by 50' (2,400 square feet) stable structure to be located northeast of the existing single-family dwelling. The structure would be utilized to provide shelter for livestock, and storage of other stable related products.

Procedural

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: The intent of the setback requirement for stables is to help mitigate from neighboring properties the noise, odors, and other potential nuisances associated with stables. The AG-SF1 zoning district permits stables. The proposed stable would be 101 feet from the northern property line and 182 feet from the southern property line. Adjacent property to the north and south is improved with a single-family dwelling and equestrian uses. Adjacent property to the east and west is agricultural farming ground. The existing neighboring dwelling to the north is approximately 175 feet from the proposed stable. The setbacks required in the AG-SF1 District effectively establish a minimum separation of 230 feet (200 feet for stable setback plus 30 feet for a residential structure setback) for a stable and a residential structure on an adjacent property. Any feedback from adjacent or nearby property owners should provide insight regarding the impact.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. Adjacent property to the subject site are all similar in use.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

December 11, 2012

1212-VS-14

Exhibit 1

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: The irregularity of the lot shape, in conjunction with the presence of the existing improvements and floodplain on the property, creates a practical difficulty in meeting the setback requirements stable on the subject property.

Recommendation

If the Board finds that the approval will not be injurious to the public health, safety, morals and general welfare of the community, then approve 1212-VS-14 with the following condition:

- The petitioner removes the existing 32' by 56' structure on the Property prior to receiving a certificate of occupancy from the Economic and Community Development Department for the stable structure.